

REMARKS

In the Office Action dated February 22, 2006, the Examiner objected to claims 23 and 24 as failing to include express explanations of the acronyms “ACM” and “ANM”; rejected claims 25-27 under 35 U.S.C. § 112 first paragraph as failing to comply with the written description requirement; rejected claims 21-24 under 35 U.S.C. § 103(a) as being unpatentable over Vuong (U.S. Patent No. 6,765,912) in view of Kalmanek Jr. et al. (“Kalmanek”) (U.S. Patent No. 6,915,421); and rejected claims 28-30 under 35 U.S.C. § 102(e) as being anticipated by Vuong.

In this Response, applicant has canceled previously withdrawn claims 1-20 and 31-37, and amended claims 21, 23, 24, and 28. Claims 21-30 remain pending for consideration. Applicant has also amended the specification to expressly recite by full name certain well known acronyms conventionally understood by those skilled in the art.

Objections to claims 23 and 24

In this Response, applicant has amended claims 23 and 24 to provide a full and express description of the term “IAM” in claim 23, and the terms “ACM” and “ANM” in claim 24. Applicant therefore respectfully requests that the objection to claims 23 and 24 be withdrawn.

Rejections under 35 U.S.C. § 112

Applicant respectfully traverses the rejection of claims 25-27 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In the Office Action, the examiner alleged that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

Applicant initially respectfully directs the Examiner’s attention to the Guidelines for Examination of Patent Applications Under the 35 U.S.C. 112, First

Paragraph, Written Description Requirement as presented in 1241 O.G. 168 (January 30, 2001).

As emphasized in the Guidelines, the essential goal of the description of the invention requirement is to clearly convey the information that an applicant has invented the subject matter which is claimed. To satisfy the written description requirement, a patent specification must describe the claimed invention in such detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. Possession may be shown in a variety of ways including description of an actual reduction to practice.

As emphasized in the Guidelines, there is a strong presumption that an adequate written description of the claimed invention is present when the application is filed. Consequently, rejection of an original claim for lack of written description should be rare.

As further emphasized in the Guidelines, the analysis of whether the specification complies with the written description requirement calls for the Examiner to compare the scope of the claim with the scope of the description to determine whether applicant has demonstrated possession of the claimed invention. Possession may be shown by a clear depiction of the invention in detailed drawings. A specification may describe an actual reduction to practice by showing that the inventor constructed an embodiment or performed a process that met all the limitations of the claim and determined that the invention would work for its intended purpose. The complete structure of an embodiment typically satisfies the requirement that the description be set forth in such full, clear, concise and exact terms to show possession of the claimed invention.

Applicant submits that the specification as filed includes an adequate description of the claimed invention so as to reasonably convey to one skilled in the art that the inventor, at the time the application was filed, had possession of the claimed invention. For example, claim 25 includes a combination of steps including, *inter alia*, “transmitting a first Signaling Initiation Protocol (SIP) INFO message from the access switch to the signaling gateway via the VoIP network; translating the first

SIP INFO message into an SS7 compatible INVOKE message . . . , in response to the INVOKE message, transmitting an SS7 RESPONSE message from the SCP to the signaling gateway.” An adequate description of this claim language is provided in the specification. For example, these features may be considered as described on page 27, lines 16-26 with respect to Figs. 15 and 16.

Accordingly, for at least these reasons, Applicant submits that claim 25 complies with the written description requirement of 35 U.S.C. § 112, first paragraph. Therefore, the 35 U.S.C. § 112, first paragraph rejection of claim 25 should be withdrawn. Claims 26 and 27 ultimately depend on claim 25. Furthermore, the additional recitations of novelty in claims 26 and 27 are adequately described in the specification on, for example, pages 13 and 22. For at least these reasons the 35 U.S.C. § 112, first paragraph rejection of claims 26 and 27 should also be withdrawn.

35 U.S.C. § 103(a) rejection of claims 21-24

Applicant respectfully traverses the rejection of claims 21-24 under 35 U.S.C. §103(a) as being unpatentable over Vuong in view of Kalmanek. No *prima facie* case of obviousness has been established with respect to claim 21 for at least the reason that the combination of Vuong and Kalmanek fails to disclose or suggest every claim element included in claim 21.

For example, claim 21 includes a combination of claim recitations including, *inter alia*, “issuing a first Signaling Initiation Protocol (SIP) INVITE message from the first access switch to the second access switch, and maintaining session state associated with the call in at least one of the first and second access switches, wherein the session state includes information related to a nature of a call and information related to control of an activity of a component in a VoIP network; after receiving the first INVITE message, sending a second INVITE message from the second access switch to the signaling gateway; and maintaining transaction state associated with the call setup in the signaling gateway during only the pendency of the call setup transaction, wherein the transaction state includes information related to call set up,

call tear down, and feature invocations.” The combination of Vuong and Kalmanek fails to disclose at least these claim recitations.

In the Office Action, the Examiner asserted that Vuong discloses a first access switch, a first gateway, a second access switch, and a second gateway. See Office Action, at page 3 (referring to Fig. 1 of Vuong.) Specifically, the Examiner maintained that Vuong discloses a first access switch issuing a SIP INVITE message. See Office Action, at page 3. However, a careful reading of Vuong shows that the Examiner’s interpretation of Vuong is incorrect. Vuong discloses that gateway system 14 sends a SIP INVITE request. See Vuong, column 8, lines 60-65 (referring to Fig. 5.) (Emphasis added). However, gateway system 14 of Vuong does not constitute a “first access switch” as required by claim 1. Indeed, the Examiner admitted that gateway system 14 in Vuong corresponds to the “signaling gateway” claim feature and not to the “access switch” claim feature of claim 1. See Office Action, at page 3. Therefore, gateway 14 in Vuong sending a SIP INVITE message does not, and indeed, cannot constitute “issuing a first Signaling Initiation Protocol (SIP) INVITE message from the first access switch,” as required by claim 1.

The Examiner’s assertion that Vuong discloses “after receiving the first INVITE message, sending a second INVITE message from the second access switch to the signaling gateway,” is also unsupported by the record. In the Office Action, the Examiner asserted that a SIP trying response returned to gateway 14 in Vuong corresponds to the above-mentioned claim feature. See Office Action, at page 3. However, a careful reading of Vuong shows that the Examiner’s assertion is incorrect. First, a “SIP Trying response” does not constitute a “SIP INVITE” as required by claim 1. Indeed, Vuong teaches that the two message types are different from each other. See Vuong, column 8, line 61 to column 9, line 4. Second, the SIP Trying response in Vuong is sent by destination gateway system 16. See Vuong, column 9, lines 1 and 2. As admitted by the Examiner, destination gateway system 16 in Vuong does not correspond to the “second access switch” as required by claim 1. See Office Action, at page 3. Indeed, as characterized by the Examiner, destination gateway

system 16 corresponds to a signaling gateway and not a “second access switch” as required by claim 1.

Kalmanek, relied on for its disclosure for maintaining a session state in at least one of the first and second access switches (see Office Action, at page 3) fails to remedy this deficiency of Vuong. In addition, Kalmanek fails to disclose “wherein the session state includes information related to a nature of a call and information related to control of an activity of a component in a VoIP network [and] wherein the transaction state includes information related to call set up, call tear down, and feature invocations,” as required by claim 1. Furthermore, Vuong, relied on for its disclosure of access switches issuing SIP INVITE messages (see Office Action, at page 3) fails to remedy this deficiency of Kalmanek.

Because no combination of Vuong and Kalmanek teaches or suggests every claim recitation of claim 21, the Section 103(a) rejection of claim 21 should be withdrawn. Dependent claims 22-24 ultimately depend on claim 21 and, therefore, are allowable for at least the reasons discussed above and in view of their additional recitations of novelty.

Additionally, in regard to dependent claims 22-24, applicant disagrees with the Examiner’s summary conclusion that Vuong somehow “translates” SIP messages into SS7 messages. Vuong does not perform such a translation function, even if one assumes the “transmission” connections postulated in the Office Action are correct.

35 U.S.C. § 102(e) rejections of claims 28-20

Applicant respectfully traverses the rejection of claims 28-30 under 35 U.S.C. § 102(e) as being anticipated by Vuong because Vuong fails to disclose every claim recitation. For example, claim 28 includes a combination of elements including, *inter alia* “a SIP parser/generator receiving SIP messages from the first port . . . a translator receiving SIP messages from the SIP parser/generator, directly translating the SIP messages into resulting SS7 messages, and transmitting the resulting SS7 messages to the SS7 protocol stack for subsequent transmission to the SS7 network.” Vuong fails to disclose at least these claim elements.

In the Office Action, the Examiner maintained that Vuong discloses a translator (module 202) receiving SIP messages (receiving bearer traffic from bearer control 210) from the SIP parser/generator. See Office Action at page 6 (referring to Vuong, Fig. 4.) However, bearer control 210 does not provide SIP messages. Indeed, Vuong discloses that bearer control module 210 carries bearer traffic. See Vuong, column 7, lines 60-67. Furthermore, Vuong expressly distinguishes bearer traffic from control traffic or control signaling. See Vuong, column 5, lines 10-20. As is well known in the art, SIP messages are related to control signaling. See Specification, at page 10. Therefore, module 202 in Vuong does not, and indeed cannot, receive SIP messages from bearer control 210. It necessarily follows that bearer control 210 does not constitute a “SIP parser/generator,” and module 202 receiving bearer traffic from bearer control 210 does not constitute “a translator receiving SIP messages from the SIP parser/generator,” as required by claim 28.

Assuming, that the Examiner actually meant that BICC 208 in Vuong corresponds to a SIP parser/generator, Applicant respectfully submits that BICC 208 in Vuong does not constitute a “SIP parser/generator”. Vuong discloses that BICC module 208 provides BICC control signaling that are carried in ATM cells. See Vuong, column 7, lines 60-67. Furthermore, Vuong also discloses that BICC, (i.e., Bearer Independent Call Control) protocol is an adaptation of narrow band ISDN user part (ISUP) for the support of narrow band ISDN services. See Vuong, column 5, lines 25 to 40. It is therefore abundantly clear that BICC traffic does not constitute “SIP messages” as required by claim 28. It necessarily follows that BICC module 208 does not constitute a “SIP parser/generator,” and module 202 receiving BICC protocol traffic from BICC module 208 does not constitute “a translator receiving SIP messages from the SIP parser/generator,” as required by claim 28.

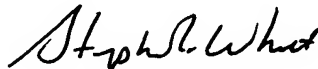
Because Vuong fails to disclose every claim element, the Section 102(e) rejection of independent claim 28 should be withdrawn. Dependent claims 29 and 30 ultimately depend on claim 28 and, therefore, are allowable for at least the reasons discussed above and in view of their additional recitations of novelty.

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application and timely allowance of the pending claims.

Please grant any extensions of time required to enter this response, and charge any required fees to our deposit account 50-0238.

Respectfully submitted,

Volentine Francos & Whitt, PLLC

A handwritten signature in black ink, appearing to read "Stephen R. Whitt".

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